

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendants,

-and-

**DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, DEEPROOT RE 12621 SILICON DR LLC,**

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

PLAINTIFF'S NOTICE

Plaintiff Securities and Exchange Commission ("Commission") submits this Notice regarding Ascentium Capital LLC's ("Ascentium") Motion for Relief from Preliminary Injunction ("Motion"). (ECF No. 88). The Commission opposes the Motion only to the extent it seeks to collect on any debt, enforce any judgment for monetary damages, or otherwise disturb the asset freeze imposed by the Court (ECF Nos. 7, 23) ("Asset Freeze"). The Asset Freeze is appropriate preliminary injunctive relief to preserve assets for potential disgorgement and civil penalties for the benefit of investors the Commission alleges were defrauded by the Defendant. *See SEC v. Dobbins*, No. Civ.3:04–CV–0605–H, 2004 WL 957715, at *3 (N.D. Tex. April 14, 2004) ("The Court has a duty to ensure that Defendant's assets are available to make restitution to the alleged victims"). The Commission takes no position otherwise on the merits of the

Motion.

Date: April 14, 2023

Respectfully submitted,

/s/ Kristen M. Warden

Kristen M. Warden

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***Counsel for Plaintiff Securities and
Exchange Commission***

CERTIFICATE OF SERVICE

I certify that on the 14 day of April 2023, a true and correct copy of the foregoing document was filed electronically through the Court's CM/ECF system, which will send copies to all counsel of record.

/s/ Kristen M. Warden

Kristen M. Warden

*Counsel for Plaintiff United States Securities
and Exchange Commission*